

## **REMARKS**

Of the elected claims, claims 1-15, 28-30, and 33-37 stand rejected. No new claims have added. No claims have been canceled. Claim 15 has been amended.

### **I. Rejections Under 35 U.S.C. § 112**

Claim 15 stands rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 is currently amended by the removal the word “said” and the insertion of the word “a” to properly point out and distinctly claim the invention.

### **II. Rejections Under 35 U.S.C. § 102(e) and § 103**

Claims 1-15, 28-30, 33-37 stand rejected under 35 U.S.C. § 102(e) or § 103 as being anticipated or made obvious by Chen et al. (“Chen”; United States Patent No. 6,684,206 B2).

Enclosed with this response is the declaration of Ashok Shrivastava. The declaration sets forth that the present invention were conceived prior to May 18, 2001. It also sets forth that from May 18, 2001 until July 23, 2001, the inventors had exercised due diligence and worked with the patent attorneys at Howrey, Simon Arnold & White for filing the application

Thus, United States Patent No. 6,684,206, filed May 18, 2001, is not prior art for the current application. As the examiner used the ‘206 patent to reject each pending claim of the current application, those rejections should be retracted.

### **III. Abstract**

The abstract is amended as per the examiner’s suggestion to avoid the use of language that can be implied.

## CONCLUSION

Applicant respectfully submits that all claims are in proper form and condition for patentability, and requests a notification of allowance to that effect. It is believed that no fee is due at this time. Should any fee be required for any reason related to this document, however, the Commissioner is hereby authorized to charge any additional fees that may be due, including extension fees, or credit any overpayment to our Deposit Account No. 08-3038 (Order No. 00982.0004.NPUS00).

Respectfully submitted,

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